

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 16-29 are pending in the application, with Claims 16 and 21 being the independent claims.

The Examiner rejected Claims 16 and 21 under 35 U.S.C. §112, first paragraph. The Examiner rejected Claims 16-19 and 27-29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,216,106 to *John* in view of U.S. Patent No. 5,280,521 to *Itoh*, U.S. Patent No. 6,477,243 to *Choksi et al.* (hereinafter, *Choksi*) and U.S. Patent No. 6,185,433 to *Lele et al.* (hereinafter, *Lele*). The Examiner rejected Claim 20 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh*, *Choksi*, *Lele* and U.S. Patent No. 3,866,206 to *DeGiorgio et al.* (hereinafter, *DeGiorgio*). The Examiner rejected Claims 21-25 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh* and *Lele*. The Examiner rejected Claim 26 under 35 U.S.C. §103(a) as being unpatentable over *John* in view of *Itoh*, *Lele* and *DeGiorgio*.

Regarding the §112 rejection of Claims 16 and 21, the Examiner contends that the term “user” was not properly described in the Specification. Pages 1 and 2 of the Specification describe a wireless communication system that provides communication services between wireless subscribers and/or between wireless and wired subscribers. A calling wireless subscriber may enter a specific telephone number. A called wireless subscriber, or called party, may answer the call. When a voice message is left or a text message is sent, the called party can read or play back the text/voice message. In accordance with the present invention, page 9 of the Specification describes that it is checked whether a called party has read the text message and entered key data related to confirmation of the text message via a keypad. Further, on page 10 of the Specification, it is describes that a called terminal is connected to voice mail upon request of the called party. Accordingly, the Specification clearly differentiates a called terminal and a called party. While a called party would clearly be equivalent to a user of the called terminal by

those skilled in the art, in an effort to maintain consistency with the Specification, Claims 16 and 21 have been amended to recite a “called party.” Accordingly, Applicant asserts that the rejection under 35 U.S.C. §112, first paragraph, should be withdrawn.

Regarding the §103(a) rejection of Claims 16-19 and 27-29, the Examiner contends that each element of the claims is taught, suggested or rendered obvious by the combination of *John*, *Itoh*, *Choksi* and *Lele*.

John discloses a method for providing voice message status stored in a voice messaging system. *Itoh* discloses a system for setting up a channel in a portable telephone system. *Choksi* discloses a system for automatic confirmation of a receipt of a facsimile message by the intended recipient thereof. *Lele* discloses a method for determining an operational status of a communication device.

Claim 16 has been amended to overcome the rejection. Specifically, amended Claim 16 recites a method of communicating a confirmation message. A called mobile station is informed of receipt of a message from a calling mobile station. When the received message is a text message, it is determined whether a called party of the called mobile station has read the received message, which is stored in the called mobile station. A confirmation message is transmitted from the called mobile station directly to the calling mobile station. The confirmation message is generated by the called mobile station when the called party of the called mobile station has read the received message. The confirmation message includes a telephone number of the calling mobile station.

John describes that the status of a sent voicemail may be sent to a sender of the voicemail upon request. *Itoh* describes that a mobile station stores a message and indicates reception to a calling party. *Choksi* describes that each sender is notified of successful receipt of messages. *Choksi* further describes a confirmation button displayed on a web page. *Lele* describes the sending of a data message directly between devices. Thus, while the combination of references may disclose that a sender of a message is notified upon receipt of the message, it fails to provide

any disclosure relating to a called party of a called mobile station reading a message. Specifically, the combination of *John, Itoh, Choksi* and *Lele* fails to disclose that a confirmation message is generated by a called mobile station when the called party of the called mobile station has read the received message, as recited in amended Claim 16. Therefore, amended Claim 16 is patentable over the combination of *John, Itoh, Choksi* and *Lele*.

Regarding Claims 17-19 and 27-29, while not conceding the patentability of the dependent claims, *per se*, Claims 17-19 and 27-29 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 16-19 and 27-29 are allowable over the combination of *John, Itoh, Choksi* and *Lele*, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejections of Claims 20-26, independent Claim 21 has been amended to recite that a called party of the called mobile station plays back a message. Therefore, amended Claim 21 is patentable over the combination of *John, Itoh* and *Lele* for reasons similar to those set forth above with respect to amended Claim 16.

Regarding Claims 20 and 22-26, Claim 23 has been cancelled without prejudice. While not conceding the patentability of the dependent claims, *per se*, Claims 20, 22 and 24-26 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 20-22 and 24-26 are allowable over *John, Itoh, Choksi, Lele, DeGiorgio*, or any combination thereof, and the rejections under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 16-22 and 24-29 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Paul J. Farrell", is written over a horizontal line.

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